

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE MAY 15, 2008

AMENDED IN SENATE APRIL 15, 2008

SENATE BILL

No. 1253

Introduced by Senator Alquist

February 15, 2008

An act to amend Sections 290.04, 290.05, 290.06, 290.07, and 1203 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as amended, Alquist. Sex offenders: assessments.

Existing law establishes the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee to ensure that the SARATSO reflects the most reliable, objective, and well-established protocols for predicting sex offender risk of recidivism, has been scientifically validated and cross validated, and is widely accepted by the courts.

Existing law establishes the SARATSO Training Committee to develop a training program for persons authorized to perform those risk assessments.

This bill would require the committee to monitor the consistency and quality of risk assessments and to arrange for experts in the field to train those who oversee the training of persons who administer the SARATSO and to monitor the scoring of the SARATSO. The bill would provide a process whereby, if an agency that scores the SARATSO believes that a score is too high or low, that agency may submit the case to certain experts.

Existing law requires the State Department of Corrections and Rehabilitation and the State Department of Mental Health to perform a risk assessment of every eligible person under their jurisdiction, as specified.

This bill would require those departments to each maintain a database to record the risk assessment scores of those persons, and to send those scores to the Department of Justice, to be maintained by the Sex Offender Tracking Program. The bill would make SARATSO scores confidential except as specified.

Existing law requires specified persons who administer the SARATSO to have access to all relevant records concerning a person on whom a risk assessment is being performed.

This bill would add any person acting under authority from the SARATSO Review Committee as an expert to also have access to those records.

Existing law requires probation officers to include in their probation reports information on the results of the SARATSO performed on any person required to register as a sex offender pursuant to certain provisions of law.

This bill would require probation officers to include that information on additional persons, including certain juveniles.

By requiring additional SARATSO assessments by county probation officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 290.04 of the Penal Code is amended to
- 2 read:
- 3 290.04. (a) (1) The sex offender risk assessment tools
- 4 authorized by this section for use with selected populations shall
- 5 be known, with respect to each population, as the State-Authorized

1 Risk Assessment Tool for Sex Offenders (SARATSO). If a
2 SARATSO has not been selected for a given population pursuant
3 to this section, no duty to administer the SARATSO elsewhere in
4 this code shall apply with respect to that population. Every person
5 required to register as a sex offender shall be subject to assessment
6 with the SARATSO as set forth in this section and elsewhere in
7 this code.

8 (2) A representative of the State Department of Mental Health,
9 in consultation with a representative of the Department of
10 Corrections and Rehabilitation and a representative of the Attorney
11 General's office, shall comprise the SARATSO Review
12 Committee, which shall be established under the State Department
13 of Mental Health. The purpose of the committee, which shall be
14 staffed by the State Department of Mental Health, shall be to ensure
15 that the SARATSO reflects the most reliable, objective and
16 well-established protocols for predicting sex offender risk of
17 recidivism, has been scientifically validated and cross validated,
18 and is, or is reasonably likely to be, widely accepted by the courts.
19 The committee shall consult with experts in the fields of risk
20 assessment and the use of actuarial instruments in predicting sex
21 offender risk, sex offending, sex offender treatment, mental health,
22 and law, as it deems appropriate.

23 (b) (1) Commencing January 1, 2007, the SARATSO for adult
24 males required to register as sex offenders shall be the STATIC-99
25 risk assessment scale.

26 (2) On or before January 1, 2008, the SARATSO Review
27 Committee shall determine whether the STATIC-99 should be
28 supplemented with an actuarial instrument that measures dynamic
29 risk factors or whether the STATIC-99 should be replaced as the
30 SARATSO with a different risk assessment tool. If the committee
31 unanimously agrees on changes to be made to the SARATSO, it
32 shall advise the Governor and the Legislature of the changes, and
33 the State Department of Mental Health shall post the decision on
34 its Internet Web site. Sixty days after the decision is posted, the
35 selected tool shall become the SARATSO for adult males.

36 (c) On or before July 1, 2007, the SARATSO Review Committee
37 shall research risk assessment tools for adult females required to
38 register as sex offenders. If the committee unanimously agrees on
39 an appropriate risk assessment tool to be used to assess this
40 population, it shall advise the Governor and the Legislature of the

1 selected tool, and the State Department of Mental Health shall post
2 the decision on its Internet Web site. Sixty days after the decision
3 is posted, the selected tool shall become the SARATSO for adult
4 females.

5 (d) On or before July 1, 2007, the SARATSO Review
6 Committee shall research risk assessment tools for male juveniles
7 required to register as sex offenders. If the committee unanimously
8 agrees on an appropriate risk assessment tool to be used to assess
9 this population, it shall advise the Governor and the Legislature
10 of the selected tool, and the State Department of Mental Health
11 shall post the decision on its Internet Web site. Sixty days after
12 the decision is posted, the selected tool shall become the
13 SARATSO for male juveniles.

14 (e) On or before July 1, 2007, the SARATSO Review Committee
15 shall research risk assessment tools for female juveniles required
16 to register as sex offenders. If the committee unanimously agrees
17 on an appropriate risk assessment tool to be used to assess this
18 population, it shall advise the Governor and the Legislature of the
19 selected tool, and the State Department of Mental Health shall post
20 the decision on its Internet Web site. Sixty days after the decision
21 is posted, the selected tool shall become the SARATSO for female
22 juveniles.

23 (f) The committee shall periodically evaluate the SARATSO
24 for each specified population. If the committee unanimously agrees
25 on a change to the SARATSO for any population, it shall advise
26 the Governor and the Legislature of the selected tool, and the State
27 Department of Mental Health shall post the decision on its Internet
28 Web site. Sixty days after the decision is posted, the selected tool
29 shall become the SARATSO for that population.

30 (g) The committee shall perform other functions consistent with
31 the provisions of this act or as may be otherwise required by law,
32 including, but not limited to, defining tiers of risk based on the
33 SARATSO. The committee shall be immune from liability for
34 good faith conduct under this act.

35 SEC. 2. Section 290.05 of the Penal Code is amended to read:

36 290.05. (a) The SARATSO Training Committee shall be
37 comprised of a representative of the State Department of Mental
38 Health, a representative of the Department of Corrections and
39 Rehabilitation, a representative of the Attorney General's office,
40 and a representative of the Chief Probation Officers of California.

1 (b) On or before January 1, 2008, the SARATSO Training
2 Committee, in consultation with the Corrections Standards
3 Authority and the Commission on Peace Officer Standards and
4 Training, shall develop a training program for persons authorized
5 by this code to administer the SARATSO, as set forth in Section
6 290.04.

7 (c) (1) The Department of Corrections and Rehabilitation shall
8 be responsible for overseeing the training of persons who will
9 administer the SARATSO pursuant to paragraph (1) or (2) of
10 subdivision (a) of Section 290.06.

11 (2) The State Department of Mental Health shall be responsible
12 for overseeing the training of persons who will administer the
13 SARATSO pursuant to paragraph (3) of subdivision (a) of Section
14 290.06.

15 (3) The Correction Standards Authority shall be responsible for
16 developing standards for the training of persons who will
17 administer the SARATSO pursuant to paragraph (4) or (5) of
18 subdivision (a) of Section 290.06.

19 (4) The Commission on Peace Officer Standards and Training
20 shall be responsible for developing standards for the training of
21 persons who will administer the SARATSO pursuant to subdivision
22 (c) of Section 290.06.

23 (d) The training shall be conducted by experts in the field of
24 risk assessment and the use of actuarial instruments in predicting
25 sex offender risk. Subject to requirements established by the
26 committee, the Department of Corrections and Rehabilitation, the
27 State Department of Mental Health, probation departments, and
28 authorized local law enforcement agencies shall designate key
29 persons within their organizations to attend training and, as
30 authorized by the department, to train others within their
31 organizations designated to perform risk assessments as required
32 or authorized by law. Any person who administers the SARATSO
33 shall receive training no less frequently than every two years.

34 (e) The SARATSO Training Committee shall monitor the
35 consistency and quality of risk assessments, and shall arrange for
36 qualified experts in the risk assessment field to train the persons
37 responsible for overseeing the training of those persons who are
38 required to administer each SARATSO, pursuant to Section 290.06.
39 The SARATSO Training Committee shall also arrange for experts
40 in the field of risk assessment to monitor the scoring of the

1 SARATSO, to ensure inter-rater reliability, and arrange for the
2 experts to be available to answer questions regarding scoring of
3 the SARATSO, in order to ensure that the scores are accurate and
4 legally defensible. If authorized by the SARATSO Review
5 Committee, the experts retained pursuant to this subdivision may
6 use data collected about California registered sex offenders who
7 are assessed pursuant to this section to conduct validation studies
8 specific to the California data. The SARATSO Review Committee
9 shall consider completed validation studies based on California
10 data in its periodic evaluation of each SARATSO, pursuant to
11 Section 290.04.

12 (f) If the agency responsible for scoring the SARATSO believes
13 an individual score is either too high or too low, based on factors
14 in the offender's record, the agency may submit the case to the
15 experts retained to monitor the scoring of the SARATSO. Those
16 experts shall be guided by empirical research in determining
17 whether to raise or lower the risk level. Their decision on whether
18 to override the previously determined risk level shall be final.
19 Agencies that score the SARATSO shall develop a protocol for
20 submission of override requests to the experts retained in
21 accordance with this subdivision.

22 (g) The SARATSO may be performed for purposes authorized
23 by statute only by persons trained pursuant to this section.

24 SEC. 3. Section 290.06 of the Penal Code is amended to read:
25 290.06. Effective on or before July 1, 2008, the SARATSO,
26 as set forth in Section 290.04, shall be administered as follows:

27 (a) (1) The Department of Corrections and Rehabilitation shall
28 assess every eligible person who is incarcerated in state prison.
29 Whenever possible, the assessment shall take place at least four
30 months, but no sooner than 10 months, prior to release from
31 incarceration.

32 (2) The department shall assess every eligible person who is on
33 parole. Whenever possible, the assessment shall take place at least
34 four months, but no sooner than 10 months, prior to termination
35 of parole. The department shall record in a database the risk
36 assessment scores of persons assessed pursuant to this paragraph
37 and paragraph (1), and any risk assessment score of any of those
38 persons that was submitted to the department by a probation officer
39 pursuant to Section 1203.

1 (3) The State Department of Mental Health shall assess every
2 eligible person who is committed to that department. Whenever
3 possible, the assessment shall take place at least four months, but
4 no sooner than 10 months, prior to release from commitment. The
5 State Department of Mental Health shall record in a database the
6 risk assessment scores of persons assessed pursuant to this
7 paragraph and any risk assessment score of any of those persons
8 that was submitted to the department by a probation officer
9 pursuant to Section 1203.

10 (4) Commencing July 1, 2010, the Department of Corrections
11 and Rehabilitation and the State Department of Mental Health
12 shall send the scores obtained in accordance with paragraphs (2)
13 and (3) respectively, to the Department of Justice Sex Offender
14 Tracking Program within 30 days of the date of the assessment.
15 The risk assessment score of an offender shall be made part of his
16 or her file maintained by the Department of Justice Sex Offender
17 Tracking Program.

18 (5) Each probation department shall assess every eligible person
19 for whom it prepares a report pursuant to Section 1203.

20 (6) Each probation department shall assess every eligible person
21 under its supervision who was not assessed pursuant to paragraph
22 (5). The assessment shall take place prior to the termination of
23 probation, but no later than January 1, 2010.

24 (b) If a person required to be assessed pursuant to subdivision
25 (a) was assessed pursuant to that subdivision within the previous
26 five years, a reassessment is permissible but not required.

27 (c) The SARATSO Review Committee established pursuant to
28 Section 290.04, in consultation with local law enforcement
29 agencies, shall establish a plan and a schedule for assessing eligible
30 persons not assessed pursuant to subdivision (a). The plan shall
31 provide for adult males to be assessed on or before January 1,
32 2012, and for females and juveniles to be assessed on or before
33 January 1, 2013, and it shall give priority to assessing those persons
34 most recently convicted of an offense requiring registration as a
35 sex offender.

36 (d) On or before January 1, 2008, the SARATSO Review
37 Committee shall research the appropriateness and feasibility of
38 providing a means by which an eligible person subject to
39 assessment may, at his or her own expense, be assessed with the
40 SARATSO by a governmental entity prior to his or her scheduled

1 assessment. If the committee unanimously agrees that such a
2 process is appropriate and feasible, it shall advise the Governor
3 and the Legislature of the selected tool, and it shall post its decision
4 on the Department of Corrections and Rehabilitation's Internet
5 Web site. Sixty days after the decision is posted, the established
6 process shall become effective.

7 (e) For purposes of this section, "eligible person" means a person
8 who was convicted of an offense that requires him or her to register
9 as a sex offender pursuant to Section 290 and who has not been
10 assessed with the SARATSO within the previous five years.

11 SEC. 4. Section 290.07 of the Penal Code is amended to read:

12 290.07. Notwithstanding any other provision of law, any person
13 authorized by statute to administer the State-Authorized Risk
14 Assessment Tool for Sex Offenders and trained pursuant to Section
15 290.06, and any person acting under authority from the SARATSO
16 Review Committee as an expert to train, monitor, or review scoring
17 by persons who administer the SARATSO pursuant to Section
18 290.05, shall be granted access to all relevant records pertaining
19 to a registered sex offender, including, but not limited to, criminal
20 histories, sex offender registration records, police reports, probation
21 and presentencing reports, judicial records and case files, juvenile
22 records, psychological evaluations and psychiatric hospital reports,
23 sexually violent predator treatment program reports, and records
24 that have been sealed by the courts or the Department of Justice.
25 Records and information obtained under this section and
26 SARATSO scores obtained pursuant to Section 290.06 shall not
27 be subject to the California Public Records Act (Chapter 3.5
28 (commencing with Section 6250) of Division 7 of Title 1 of the
29 Government Code). SARATSO scores shall be confidential and
30 not subject to inspection by the public or by any person other than
31 a law enforcement officer or person authorized to score the
32 SARATSO, except as provided in paragraph (1) of subdivision (a)
33 of Section 290.45.

34 SEC. 5. Section 1203 of the Penal Code is amended to read:

35 1203. (a) As used in this code, "probation" means the
36 suspension of the imposition or execution of a sentence and the
37 order of conditional and revocable release in the community under
38 the supervision of a probation officer. As used in this code,
39 "conditional sentence" means the suspension of the imposition or
40 execution of a sentence and the order of revocable release in the

1 community subject to conditions established by the court without
2 the supervision of a probation officer. It is the intent of the
3 Legislature that both conditional sentence and probation are
4 authorized whenever probation is authorized in any code as a
5 sentencing option for infractions or misdemeanors.

6 (b) (1) Except as provided in subdivision (j), if a person is
7 convicted of a felony and is eligible for probation, before judgment
8 is pronounced, the court shall immediately refer the matter to a
9 probation officer to investigate and report to the court, at a specified
10 time, upon the circumstances surrounding the crime and the prior
11 history and record of the person, which may be considered either
12 in aggravation or mitigation of the punishment.

13 (2) (A) The probation officer shall immediately investigate and
14 make a written report to the court of his or her findings and
15 recommendations, including his or her recommendations as to the
16 granting or denying of probation and the conditions of probation,
17 if granted.

18 (B) Pursuant to Section 828 of the Welfare and Institutions
19 Code, the probation officer shall include in his or her report any
20 information gathered by a law enforcement agency relating to the
21 taking of the defendant into custody as a minor, which shall be
22 considered for purposes of determining whether adjudications of
23 commissions of crimes as a juvenile warrant a finding that there
24 are circumstances in aggravation pursuant to Section 1170 or to
25 deny probation.

26 (C) If the person was convicted of an offense that requires him
27 or her to register as a sex offender pursuant to Sections 290 to
28 290.023, inclusive, or if the probation report recommends either
29 that registration be ordered at sentencing pursuant to Section
30 290.006, or that a juvenile be placed at an institution for an offense
31 that would require registration upon release from that institution
32 pursuant to Section 290.008, the probation officer's report shall
33 include the results of the State-Authorized Risk Assessment Tool
34 for Sex Offenders (SARATSO) administered pursuant to Sections
35 290.04 to 290.06, inclusive, if applicable.

36 (D) The probation officer shall also include in the report his or
37 her recommendation of both of the following:

38 (i) The amount the defendant should be required to pay as a
39 restitution fine pursuant to subdivision (b) of Section 1202.4.

1 (ii) Whether the court shall require, as a condition of probation,
2 restitution to the victim or to the Restitution Fund and the amount
3 thereof.

4 (E) The report shall be made available to the court and the
5 prosecuting and defense attorneys at least five days, or upon request
6 of the defendant or prosecuting attorney nine days, prior to the
7 time fixed by the court for the hearing and determination of the
8 report, and shall be filed with the clerk of the court as a record in
9 the case at the time of the hearing. The time within which the report
10 shall be made available and filed may be waived by written
11 stipulation of the prosecuting and defense attorneys that is filed
12 with the court or an oral stipulation in open court that is made and
13 entered upon the minutes of the court.

14 (3) At a time fixed by the court, the court shall hear and
15 determine the application, if one has been made, or, in any case,
16 the suitability of probation in the particular case. At the hearing,
17 the court shall consider any report of the probation officer,
18 including the results of the SARATSO, if applicable, and shall
19 make a statement that it has considered the report, which shall be
20 filed with the clerk of the court as a record in the case. If the court
21 determines that there are circumstances in mitigation of the
22 punishment prescribed by law or that the ends of justice would be
23 served by granting probation to the person, it may place the person
24 on probation. If probation is denied, the clerk of the court shall
25 immediately send a copy of the report to the Department of
26 Corrections and Rehabilitation at the prison or other institution to
27 which the person is delivered.

28 (4) The preparation of the report or the consideration of the
29 report by the court may be waived only by a written stipulation of
30 the prosecuting and defense attorneys that is filed with the court
31 or an oral stipulation in open court that is made and entered upon
32 the minutes of the court, except that there shall be no waiver unless
33 the court consents thereto. However, if the defendant is ultimately
34 sentenced and committed to the state prison, a probation report
35 shall be completed pursuant to Section 1203c.

36 (c) If a defendant is not represented by an attorney, the court
37 shall order the probation officer who makes the probation report
38 to discuss its contents with the defendant.

39 (d) If a person is convicted of a misdemeanor, the court may
40 either refer the matter to the probation officer for an investigation

1 and a report or summarily pronounce a conditional sentence. If
2 the person was convicted of an offense that requires him or her to
3 register as a sex offender pursuant to Sections 290 to 290.023,
4 inclusive, or if the court orders either that registration be ordered
5 at sentencing pursuant to Section 290.006, or that a juvenile be
6 placed at an institution for an offense that would require registration
7 upon release from that institution pursuant to Section 290.008, the
8 court shall refer the matter to the probation officer for the purpose
9 of obtaining a report on the results of the State-Authorized Risk
10 Assessment Tool for Sex Offenders administered pursuant to
11 Sections 290.04 to 290.06, inclusive, if applicable, which the court
12 shall consider. If the case is not referred to the probation officer,
13 in sentencing the person, the court may consider any information
14 concerning the person that could have been included in a probation
15 report. The court shall inform the person of the information to be
16 considered and permit him or her to answer or controvert the
17 information. For this purpose, upon the request of the person, the
18 court shall grant a continuance before the judgment is pronounced.

19 (e) Except in unusual cases where the interests of justice would
20 best be served if the person is granted probation, probation shall
21 not be granted to any of the following persons:

22 (1) Unless the person had a lawful right to carry a deadly
23 weapon, other than a firearm, at the time of the perpetration of the
24 crime or his or her arrest, any person who has been convicted of
25 arson, robbery, carjacking, burglary, burglary with explosives,
26 rape with force or violence, torture, aggravated mayhem, murder,
27 attempt to commit murder, trainwrecking, kidnapping, escape from
28 the state prison, or a conspiracy to commit one or more of those
29 crimes and who was armed with the weapon at either of those
30 times.

31 (2) Any person who used, or attempted to use, a deadly weapon
32 upon a human being in connection with the perpetration of the
33 crime of which he or she has been convicted.

34 (3) Any person who willfully inflicted great bodily injury or
35 torture in the perpetration of the crime of which he or she has been
36 convicted.

37 (4) Any person who has been previously convicted twice in this
38 state of a felony or in any other place of a public offense which,
39 if committed in this state, would have been punishable as a felony.

1 (5) Unless the person has never been previously convicted once
2 in this state of a felony or in any other place of a public offense
3 which, if committed in this state, would have been punishable as
4 a felony, any person who has been convicted of burglary with
5 explosives, rape with force or violence, torture, aggravated
6 mayhem, murder, attempt to commit murder, trainwrecking,
7 extortion, kidnapping, escape from the state prison, a violation of
8 Section 286, 288, 288a, or 288.5, or a conspiracy to commit one
9 or more of those crimes.

10 (6) Any person who has been previously convicted once in this
11 state of a felony or in any other place of a public offense which,
12 if committed in this state, would have been punishable as a felony,
13 if he or she committed any of the following acts:

14 (A) Unless the person had a lawful right to carry a deadly
15 weapon at the time of the perpetration of the previous crime or his
16 or her arrest for the previous crime, he or she was armed with a
17 weapon at either of those times.

18 (B) The person used, or attempted to use, a deadly weapon upon
19 a human being in connection with the perpetration of the previous
20 crime.

21 (C) The person willfully inflicted great bodily injury or torture
22 in the perpetration of the previous crime.

23 (7) Any public official or peace officer of this state or any city,
24 county, or other political subdivision who, in the discharge of the
25 duties of his or her public office or employment, accepted or gave
26 or offered to accept or give any bribe, embezzled public money,
27 or was guilty of extortion.

28 (8) Any person who knowingly furnishes or gives away
29 phencyclidine.

30 (9) Any person who intentionally inflicted great bodily injury
31 in the commission of arson under subdivision (a) of Section 451
32 or who intentionally set fire to, burned, or caused the burning of,
33 an inhabited structure or inhabited property in violation of
34 subdivision (b) of Section 451.

35 (10) Any person who, in the commission of a felony, inflicts
36 great bodily injury or causes the death of a human being by the
37 discharge of a firearm from or at an occupied motor vehicle
38 proceeding on a public street or highway.

1 (11) Any person who possesses a short-barreled rifle or a
2 short-barreled shotgun under Section 12020, a machinegun under
3 Section 12220, or a silencer under Section 12520.

4 (12) Any person who is convicted of violating Section 8101 of
5 the Welfare and Institutions Code.

6 (13) Any person who is described in paragraph (2) or (3) of
7 subdivision (g) of Section 12072.

8 (f) When probation is granted in a case which comes within
9 subdivision (e), the court shall specify on the record and shall enter
10 on the minutes the circumstances indicating that the interests of
11 justice would best be served by that disposition.

12 (g) If a person is not eligible for probation, the judge shall refer
13 the matter to the probation officer for an investigation of the facts
14 relevant to determination of the amount of a restitution fine
15 pursuant to subdivision (b) of Section 1202.4 in all cases where
16 the determination is applicable. The judge, in his or her discretion,
17 may direct the probation officer to investigate all facts relevant to
18 the sentencing of the person. Upon that referral, the probation
19 officer shall immediately investigate the circumstances surrounding
20 the crime and the prior record and history of the person and make
21 a written report to the court of his or her findings. The findings
22 shall include a recommendation of the amount of the restitution
23 fine as provided in subdivision (b) of Section 1202.4.

24 (h) If a defendant is convicted of a felony and a probation report
25 is prepared pursuant to subdivision (b) or (g), the probation officer
26 may obtain and include in the report a statement of the comments
27 of the victim concerning the offense. The court may direct the
28 probation officer not to obtain a statement if the victim has in fact
29 testified at any of the court proceedings concerning the offense.

30 (i) No probationer shall be released to enter another state unless
31 his or her case has been referred to the Administrator of the
32 Interstate Probation and Parole Compacts, pursuant to the Uniform
33 Act for Out-of-State Probationer or Parolee Supervision (Article
34 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part
35 4) and the probationer has reimbursed the county that has
36 jurisdiction over his or her probation case the reasonable costs of
37 processing his or her request for interstate compact supervision.
38 The amount and method of reimbursement shall be in accordance
39 with Section 1203.1b.

(j) In any court where a county financial evaluation officer is available, in addition to referring the matter to the probation officer, the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, in which case the county financial evaluation officer shall report his or her findings regarding restitution and other court-related costs to the probation officer on the question of the defendant's ability to pay those costs.

Any order made pursuant to this subdivision may be enforced as a violation of the terms and conditions of probation upon willful failure to pay and at the discretion of the court, may be enforced in the same manner as a judgment in a civil action, if any balance remains unpaid at the end of the defendant's probationary period.

(k) Probation shall not be granted to, nor shall the execution of, or imposition of sentence be suspended for, any person who is convicted of a violent felony, as defined in subdivision (c) of Section 667.5, or a serious felony, as defined in subdivision (c) of Section 1192.7, and who was on probation for a felony offense at the time of the commission of the new felony offense.

SEC. 6. *It is the intent of the Legislature that the requirements imposed pursuant to this act shall be implemented using existing resources.*

SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.